

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JAMES L. SHERLEY et al.,

Plaintiffs,

v.

KATHLEEN SEBELIUS, in her official  
capacity as Secretary of the Department of  
Health and Human Services, et al.,

Defendants.

No. 09-cv-1575 (RCL)

**Unopposed Motion of the Genetics Policy Institute, Inc.  
for Leave to File Memorandum as Amicus Curiae  
in Opposition to the Plaintiffs' Motion for Summary Judgment**

The Genetics Policy Institute, Inc. ("GPI") moves for leave to file the accompanying memorandum as amicus curiae in opposition to the plaintiffs' motion for summary judgment. In support of this motion, GPI states as follows:

1. The Genetics Policy Institute is a nonprofit public-interest organization devoted to promoting and defending stem-cell research (including hESC research) and other cutting-edge medical research. The Institute's activities include co-sponsoring the World Stem Cell Summit, an annual conference that brings together researchers, industry leaders, policymakers, advocates, patients, and others; publishing the World Stem Cell Report, an annual collection of articles dealing with a wide range of issues relating to stem-cell research; promoting education about stem-cell research; and engaging in other public-outreach activities.

2. This case raises issues of great public importance. The plaintiffs seek to frustrate an important government policy and to hinder a field of biomedical research that is widely recognized as offering the possibility of revolutionizing medicine. Given the high stakes, it is in

the public interest for the legal issues to be explored as thoroughly as possible, so that the Court can make a fully educated decision.

3. GPI believes that its proposed memorandum, which deals almost entirely with the textual issues raised by plaintiffs' claim, will be helpful to the Court. GPI's arguments do not duplicate those of the government or of the other amicus who plans to file a brief (The Coalition for the Advancement of Medical Research ["CAMR"]).

4. This Court has frequently allowed the participation of amici curiae in cases before it.<sup>1</sup> Furthermore, the Court stated in its order denying CAMR's motion for leave to file an amicus memorandum in support of a stay pending appeal, that the Court ordinarily welcomes amicus submissions; the only reason the CAMR motion was denied was that there would not be enough time for the plaintiff to respond to it. That difficulty is not present here.

5. Counsel for both sides have stated that they do not object to GPI's filing of an amicus memorandum.<sup>2</sup> In addition, counsel for the plaintiffs has stated that the plaintiffs do not object to the memorandum's being filed within 24 hours after the government files its opposition to the plaintiff's motion for summary judgment.

6. A copy of GPI's proposed memorandum is submitted with this motion as Exhibit 1.

WHEREFORE, the Court should grant GPI leave to file the accompanying proposed memorandum as amicus curiae in opposition to the plaintiffs' motion for summary judgment.

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1. *E.g., Horn v. Huddle*, 699 F. Supp. 2d 236, 238 (D.D.C. 2010); *Lance v. United Mine Workers of Am. 1974 Pension Trust*, 400 F. Supp. 2d 29, 30 (D.D.C. 2005).

2. Counsel for GPI has informed counsel for the parties that GPI is a member of CAMR, and no party has objected to GPI's filing of its own memorandum. As noted above, GPI's proposed memorandum deals with different issues than the CAMR memorandum. Moreover, GPI's memorandum will, we believe, provide a substantial contribution to the Court's analysis.

Respectfully submitted,

*/s/ Neal Goldfarb*

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**Certificate of Service**

I HEREBY CERTIFY that on this 28th day of September, 2010, the foregoing motion and the accompanying proposed memorandum and proposed order were served on all counsel of record via email as follows:

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*/s/ Neal Goldfarb*  
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